

Application Number: 10/562,090
Amendment Dated: September 14, 2007
Reply to Office Action Dated June 14, 2007

REMARKS

This amendment is responsive to the Office Action June 14, 2007 for which a three (3) month period of response was given. No extension of time or additional claim fees are believed to be due. However, should an extension of time and/or additional claim fees be due, the Commissioner is hereby authorized to treat this paper as a Petition for any needed extension of time and to charge any fees due to Deposit Account No. 50-0959, Attorney Docket No. 089498.0452.

Claims 1 through 13 are pending in the present application. Claim 2 has been amended and claim 13 has been added. Support for newly added claim 13 can be found in the specification as originally filed. Accordingly, no new matter has been added. As such, entry and consideration of the amended claims is believed due and is respectfully requested. Entry and consideration of this response and the enclosed Rule 1.132 Declaration by Dr. Jun Hu is respectfully requested.

The Applicant would like to once again thank the Examiner for the acknowledgement of the allowability of claims 2 through 12.

I. Telephone Interview:

The Applicant would like to thank the Examiner for the telephone interview conducted on July 27, 2007. During the interview Applicant's undersigned attorney and the Examiner discussed the differences between the claimed methyl ester compound of claim 1 and the ethyl ester compound contained in the cited art. No agreement was reached regarding claim 1.

II. Declaration by Dr. Jun Hu:

Enclosed herewith is a Rule 1.132 Declaration by the inventor, Dr. Jun Hu. Dr. Hu has undertaken a review of Kittredge et al. (*Helvetica Chimica Acta*), the art currently applied against pending claim 1.

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As detailed therein, Dr. Hu analyzes the disclosure contained in Kittredge et al., with specific attention paid to the disclosure of Kittredge et al. as it relates to Compound 7 disclosed therein. Prior to reading the remarks contained herein, the Examiner is respectfully requested to review the information contained in the attached Rule 1.132 Declaration.

III. The 35 U.S.C. § 103(a) Rejection:

Claim 1 has been rejected under 35 U.S.C. § 103(a) over Kittredge et al. (*Helvetica Chimica Acta*). Specifically, the Examiner points to the fact that Kittredge et al. discloses the following chemical compound – ethyl 2,4,9-trithiaadamantane-7-carboxylate (see page 790, Compound 7).

On the other hand, claim 1 is directed to a methyl 2,4,9-trithiaadamantane-7-carboxylate. In view of this fact and in view of the points raised in the attached Declaration by Dr. Jun Hu, the compound of claim 1 is not obvious in view of Kittredge et al. This is because one of ordinary skill in the art would not view the ethyl-containing compound of Kittredge et al. and the methyl-containing compound of the present invention as identical, similar, or even interchangeable in view of the differences (e.g., steric hindrance issues, reaction time issues, etc.) pointed out in the attached Declaration by Dr. Jun Hu. Accordingly, since the compound recited in claim 1 differs from that disclosed in Kittredge et al., claim 1 is non-obvious over Kittredge et al.

Furthermore, based upon the differences between the two compounds and the information contained in the attached Declaration by Dr. Jun Hu, the disclosure contained in Kittredge et al. cannot support the assertion that methyl 2,4,9-trithiaadamantane-7-carboxylate and ethyl 2,4,9-trithiaadamantane-7-carboxylate are equivalent to one another, and thus interchangeable. Given the failure of this assertion in view of the above argument and the attached Declaration by Dr. Jun Hu, claim 1 is non-obvious over Kittredge et al.

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IV. Conclusion:

Accordingly, reconsideration and withdrawal of the pending obviousness rejection of claim 1 is respectfully requested.

For at least the foregoing reasons, claims 1 through 13 of the present application are believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,



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